

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

AMYRIS, INC., *et al.*,

Debtors.¹

Chapter 11

Case No. 23-11131 (TMH)

(Jointly Administered)

Related Docket No. 142

**SUPPLEMENTAL DECLARATION OF STEVEN J. FLEMING IN SUPPORT OF
DEBTORS' MOTION FOR AN ORDER (I) APPROVING KEY EMPLOYEE
INCENTIVE PLAN FOR SENIOR LEADERSHIP EMPLOYEES AND (II)
APPROVING KEY EMPLOYEE RETENTION PLAN FOR NON-INSIDER
EMPLOYEES**

I, Steven J. Fleming, hereby declare that the following is true and accurate to the best of my knowledge, information, and belief:

1. In conjunction with the Chapter 11 Cases of Amyris, Inc. ("Amyris") and its affiliated and related above-captioned debtors and debtors in possession (collectively, the "Debtors" or the "Company"), I submit this supplemental declaration (the "Supplemental Declaration") in support of the *Debtors' Motion for an Order (I) Approving Key Employee Incentive Plan for Senior Leadership Employees and (II) Approving Key Employee Retention Plan for Non-Insider Employees* (the "Motion") filed on August 24, 2023 at Docket No. 142 and to supplement my declaration filed with the Motion (the "Original Declaration"). Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion. Except as may otherwise be noted, I could and would testify to facts as stated in my Original

¹ A complete list of each of the Debtors in these Chapter 11 Cases may be obtained on the website of the Debtors' proposed claims and noticing agent at <https://cases.stretto.com/Amyris>. The location of Debtor Amyris Inc.'s principal place of business and the Debtors' service address in these Chapter 11 Cases is 5885 Hollis Street, Suite 100, Emeryville, CA 94608.

Declaration, the terms of which are incorporated herein, or the following based upon my personal knowledge.

2. I am familiar with the terms of the Debtors' proposed Key Employee Incentive Plan and the Debtors' Key Employee Retention Plan (the "KERP") as described in the Motion.

3. As discussed in the Motion, for purposes of eligibility to participate in the KERP, the Debtors only considered non-insider "rank and file" employees. None of the Non-Insider Employees are officers or hold executive-level decision making positions with the Debtors. Therefore, no Non-Insider Employee is an "insider" of the Debtors (as such term is defined by the Bankruptcy Code) and the restrictions of section 503(c)(1) and (2) of the Bankruptcy Code are inapplicable to the KERP.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 13, 2023

/s/ Steven J. Fleming

Steven J. Fleming